

REMARKS

I. Drawings

Reconsideration is respectfully requested of the Examiner's objection to the drawings because they contain lead lines with no reference numerals. Two (2) Replacement Sheets including Figs. 1-5 and 10-12, are submitted herein with the proposed changes shown in red for the Examiner's review and approval. After the Examiner's approval of the changes, formal corrected drawings will be submitted in due course.

II. Claim Rejections – 35 U.S.C. §102(b)

Reconsideration is respectfully requested of the Examiner's rejection of Claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Reneau (U.S. Patent No. 4,408,759). The Examiner relied on the Reneau reference as disclosing all the elements of the claims.

The Reneau reference discloses a fixed (i.e. not foldable) exercise device that provides active two-way resistance through a full range of motion. Col. 1, lines 5-10. The Reneau device includes a linear resistance assembly and a rotary resistance assembly, each of which is distinct and is to be independently operated on by a user. The linear resistance assembly includes a handle 50. The rotary resistance assembly includes a pair of leg members 15 and a pair of L-shaped arms 85.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 1 discloses a portable and foldable exercise apparatus comprising:

- a. at least one removable, horizontal user gripping bar for supporting at least portion of the force generated by a user during exercise;

- b. a vertical frame capable of supporting at least portion of the force generated by a user during exercise comprising
 - i. ***a free-standing vertical rear support frame and***
 - ii. ***at least one pair of vertical side support frames pivotally attached to said rear support frame to be in an open position for use or a closed and folded position for storage; and***
- c. at least one user support base having opposing sides and opposing ends and capable of supporting at least a portion of the force generated by a user during exercise,
each user gripping bar being removably attached to each of said pairs of vertical side support frames; and
said opposing sides of said user base being removably attached to each of said pairs of vertical side support frames and one end of each user base abutting said vertical rear support frame.

The Reneau reference fails to disclose, at least, the above elements shown in ***bold and italics***. Although the Examiner relied on the handle 50 to be the “gripping bar” of the present invention, the L-shaped arms 85 to be the “rear frame” of the present invention and the leg members 15 to be the “vertical side support frames,” these elements in the Reneau reference do not meet the structural requirements of amended Claim 1 of the present invention:

- 1. the L-shaped arms 85 of the Reneau reference is not “free-standing” and cannot be considered a “vertical rear support frame” when the L-shaped arms 85 are intended to be rotated to different positions with respect to the leg members 15;
- 2. the leg members 15 of the Reneau reference are not “pivotally attached to said rear support frame to be in an open position for use or a closed and folded position for storage.” The Reneau reference discloses the L-shaped arms 85 being pivotably and frictionally connected to the leg members 15 to provide rotary resistance during exercise. These elements do not pivot to a closed and folded position for storage;
- 3. the handle 50 of the Reneau reference is connected to a rectangular shaped bar 33, which is then slidably and frictionally attached to a brake housing 25 on a support bar 20 that is

slidably connected to the leg members 15; however, the gripping bar of the present invention is “removably attached to each of said pairs of vertical side support frames;” and

4. the Reneau reference fails to disclose a base with “opposing sides” being “removably attached to each of said pairs of vertical side support frames” and with “one end” “abutting said vertical rear support frame.”

Therefore, the Reneau reference differs in construction and fails to disclose “each and every element” of amended Claim 1 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 1-5 are not anticipated by the Reneau reference.

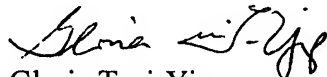
II. Specification Amendment

Upon review of the specification for reference numerals for the drawings, Applicant notes the incorrect reference numeral for the support base on p. 5 of the specification. The specification is amended to correct the reference numeral to be consistent with the drawings.

III. Conclusion

By virtue of the Applicants’ amendment to the claims, drawings and specification and remarks thereto, it is believed that the application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



Gloria Tsui-Yip
Attorney for Applicant
Reg. No. 42,188
STOLL, MISKIN & BADIE
350 Fifth Avenue, Suite 4710
New York, NY 10118
(212) 268-0900

DRAWING AMENDMENTS

Fig. 1 is amended to remove 2 lead lines and add three reference numerals, 12, 44 and 44.

Figs. 10-11 are each amended to add a reference numeral, 12.